



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held February 6, 2008, the Board took the following action:

12

The following item was called up for consideration:

The Chief Executive Officer's recommendation to consider and approve the proposed Negative Declaration (ND), together with any comments received during the public review process; find that the Marina del Rey Affordable Housing Policy (Policy) (4), will not have a significant adverse effect on the environment, and that the ND reflects the independent judgment of the County; certify that the ND that has been completed in compliance with the California Environmental Quality Act, and that the Board has reviewed and considered the information contained therein prior to approving the Policy; approve the Policy, consistent with the revisions resulting from the environmental review process; and authorize the Director of Beaches and Harbors to implement the Policy, as part of all future lease negotiations containing residential units as part of any new development or redevelopment project in Marina del Rey.

The following statement was entered into the record for Supervisors Molina and Yaroslavsky:

"In June of last year, the Board held a public hearing to consider the draft Marina Del Rey Affordable Housing policy and directed staff to make revisions to the proposed policy and prepare the necessary environmental document per CEQA requirements for final consideration and approval of the proposed policy by the Board. Before us is the proposed policy which reflects the Board's earlier action. While the proposed policy does address the housing needs of persons and families of low and moderate incomes, it does not go far enough to meet all of our region's needs. As pointed out by members of the public and housing advocates, the proposed policy does not require that housing be provided for our most vulnerable citizens, those who are very low income. This policy needs to be inclusive and thus it is important that the County of Los Angeles address the housing needs of all income levels.

(Continued on Page 2)

“We therefore recommend that the Chief Executive Officer and County Counsel be directed to negotiate policy revisions and a settlement agreement with the Housing Advocates to include a 15% inclusionary housing goal of which 1/3 would be for very low, 1/3 for low and 1/3 for moderate income persons and families based on the net new units, subject to a determination of feasibility on a case-by-case basis. Furthermore, the policy should be revised to include reasonable notice and priority affordable unit wait lists for former occupants, a definition of "substantial rehabilitation", clarification that the covenant term be consistent with the number of years of the ground lease, and clarification that the definition of "unit" includes studio units. The Chief Executive Officer and County Counsel should return within 30 days with a revised policy, any necessary revisions to the environmental document, and settlement agreement with the housing advocates for the Board's consideration.

“We further recommend that the Board direct the Chief Executive Officer, County Counsel, Community Development Commission and Beaches and Harbors staff, in consultation with the housing advocates and lessees, to prepare a handbook for implementation of the affordable housing policy that addresses issues such as rental rules and regulations, income surveys, waiting lists, and other appropriate landlord/tenant issues and report back to the Board within 90 days.”

Supervisor Knabe made the following statement:

“The Department of Beaches and Harbors recently completed lease negotiations with several developers whose projects are subject to the affordable housing requirements under the Mello Act. These negotiations were completed based upon the proposed policy. Any changes to that proposed policy will have financial and schedule impacts to the affected lessees. Clear direction and fairness is necessary to secure financially feasible projects and to avoid undue hardship.

(Continued on Page 3)

"I therefore recommend that the Board of Supervisors:

1. Direct the Chief Executive Officer and Beaches and Harbors to expedite the renegotiation of the affordable housing components of the lease terms. These negotiations should be completed within 45 days of the policy's approval. The departments should report back with a status report within the first 30 days of that period. The cost of the additional affordable units shall be covered by the County.
2. Direct the Department of Beaches and Harbors to fund its own legal and economic consultants' time to revise the lease documents (the revised term sheet, option, and lease) to bring those affected documents up to current status with respect to today's Policy changes, and not pass this cost on to the lessees.
3. Direct the Department of Beaches and Harbors and the Chief Executive Officer to utilize the rent and cost projections, assumptions and methodologies established during the previous negotiations for each project."

David DeLange, PhD., Executive Director, Coalition to Save the Marina; Jun Yang, Director, People Organized for West Side Renewal; David Levine, representative, Marina Del Rey Lessee's Association; and Dan Gottlieb addressed the Board.

After discussion, on motion of Supervisor Molina, seconded by Supervisor Yaroslavsky, unanimously carried, the Board took the following actions:

1. Directed the Chief Executive Officer (CEO) and County Counsel to negotiate policy revisions and a settlement agreement with the Housing Advocates to include a 15% inclusionary housing goal of which 1/3 would be for very low, 1/3 for low and 1/3 for moderate income persons and families based on the net new units, subject to a determination of feasibility on a case-by-case basis;

(Continued on Page 4)

2. Directed CEO and County Counsel to revise the policy to include reasonable notice and priority affordable unit wait lists for former occupants, a definition of “substantial rehabilitation” clarification that the covenant term be consistent with the number of years of the ground lease, and clarification that the definition of “unit” includes studio units;
3. Directed CEO and County Counsel to return to the Board within 30 days with a revised policy, any necessary revisions to the environmental document, and settlement agreement with the housing advocates for the Board’s consideration;
4. Directed CEO, County Counsel, Community Development Commission and Beaches and Harbors staff, in consultation with the housing advocates and lessees, to prepare a handbook for implementation of the affordable housing policy that addresses issues such as rental rules and regulations, income surveys, waiting lists, and other appropriate landlord/tenant issues and report back to the Board within 90 days;
5. Directed the CEO and the Director of Beaches and Harbors to expedite the renegotiation of the affordable housing components of the lease terms. These negotiations should be completed within 45 days of the policy’s approval. The departments should report back with a status report within the first 30 days of that period. The cost of the additional affordable units shall be covered by the County;
6. Directed the Director of Beaches and Harbors to fund its own legal and economic consultants’ time to revise the lease documents (the revised term sheet, option, and lease) to bring those affected documents up to current status with respect to today’s Policy changes, and not pass this cost on to the lessees; and
7. Directed the Director of Beaches and Harbors and the CEO to utilize the rent and cost projections, assumptions and methodologies established during the previous negotiations for each project.

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Copies to:

Each Supervisor
Chief Executive Officer
County Counsel
Director of Beaches and Harbors
Executive Director of Community
Development Commission